

**Title 15. Division 2. BOARD OF PAROLE HEARINGS
(formerly known as Board of Prison Terms)**

PROPOSED REGULATORY TEXT

(ADDITIONS ARE INDICATED BY UNDERLINE.)

Amend 15 CCR § 2616 to read as follows:

§2616. Reportable Information.

(a) Behavior Which Must Be Reported. The P&CSD shall report to the board any parolee who is reasonably believed to have engaged in the following kinds of behavior:

(1) Any conduct described in Penal Code section 667.5(c), or any conduct described in Penal Code section 1192.7(c), or any assaultive conduct resulting in serious injury to the victim.

(2) Possession, control, use of, or access to any firearms, explosive or crossbow or possession or use of any weapon as specified in subdivision (a) of California Penal Code section 12020, or any knife having a blade longer than two inches, except as provided in s 2512.

(3) Involvement in fraudulent schemes involving over \$1,000.

(4) Sale, transportation or distribution of any narcotic or other controlled substances as defined in division 10 of the California Health and Safety Code.

(5) A parolee whose whereabouts are unknown and has been unavailable for contact for thirty days

- (6) Any other conduct or pattern of conduct in violation of the conditions of parole deemed sufficiently serious by the P&CSD staff, including repetitive parole violations and escalating criminal conduct.
- (7) The refusal to sign any form required by the Department of Justice explaining the duty of the person to register under Penal Code section 290.
- (8) The failure to provide two blood specimens, a saliva sample, right thumb print impressions, and full palm print impressions of each hand as provided in Penal Code sections 295 through 300.3, requiring specified offenders to give samples before release.
- (9) The failure to register as provided in Penal Code section 290, if the parolee is required to register
- (10) The failure to sign conditions of parole
- (11) Violation of the special condition prohibiting any active participation or assistance in, or promotion or furtherance of, prison gang, disruptive group, or criminal street gang activity, as enumerated in Penal Code section 186.22(e), if such condition was imposed.
- (12) Violation of the special condition prohibiting any association with any member of a prison gang, disruptive group or criminal street gang, as defined in s 2513(e), or the wearing or displaying of any gang colors, signs, symbols, or paraphernalia associated with gang activity, if such condition was imposed
- (13) Violation of the special condition requiring compliance with any gang-abatement injunction, ordinance, or court order, if such condition was imposed.

(14) Conduct indicating that the parolee's mental condition has deteriorated such that the parolee is likely to engage in future criminal behavior.

(15) Violation of the residency restrictions set forth in Penal Code section 3003.5 for parolees required to register as provided in Penal Code section 290.

(b) In addition, for any parolee whose commitment offense is described in Penal Code section 1192.7(c), the P&CSD shall report to the board any such parolee who is reasonably believed to have engaged in the following kinds of behavior:

(1) Any behavior listed in paragraph (a).

(2) Any criminal conduct

(3) Any violation of a condition to abstain from alcoholic beverages

(c) Behavior Which May be Reported. Any conduct which the parole agent, unit supervisor or district administrator feels is sufficiently serious to report, regardless of whether the conduct is being prosecuted in court.

Note: Authority cited: Sections 3052 and 5076.2, Penal Code; and Terhune v. Superior Court (Whitley) (1998) 65 Cal.App.4th 864. Reference: Sections 186.22, 290, 295-300.3, 3000, 3003.5, 3053, 3056, 3057, 3060 and 3060.5, Penal Code; and Sections 11561 and 11563, Health and Safety Code.